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February 7, 2024

Magistrate Judge Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Via ECF

The parties' request at ECF No. 29 is GRANTED. The in-person settlement conference previously scheduled for **Monday, February 12, 2024 at 2:00 p.m.** is CONVERTED to a telephone conference to discuss an adjourned date for the settlement conference. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

The Clerk of Court is respectfully directed to convert the in-person settlement conference to a telephone conference, and to close ECF No. 29.

SO ORDERED. 2/7/2024

A handwritten signature in black ink, appearing to read "Sarah L. Cave".

SARAH L. CAVE
United States Magistrate Judge

**Re: Eulogio Castillo v. Metro-North Commuter Railroad
SDNY Docket No. 1:21-cv-11183(KPF)(SLC)**

Dear Judge Cave:

The parties jointly and respectfully submit this letter pursuant to the Court's December 14, 2023, Order directing the parties to update the Court on any updates relevant to settlement. For the reasons stated below, we also are requesting an adjournment of the February 12, 2024 resumed settlement conference.

As Your Honor may recall, the parties previously met with the Court at a October 10, 2023 settlement conference. While some settlement progress was made at the October conference, Plaintiff Castillo's employment status and his plans with respect to a potential return to work were not yet determined. Mr. Castillo's application for MTA Disability benefits was still pending at the time. It was also pending in December when we last met with the Court telephonically. As the parties informed the Court, the plaintiff's employment status plays a significant role in the potential settlement of this matter. Toward that end, with the assistance of Metro-North's Vocational Assistance office, Plaintiff was also exploring options to return to Metro-North employment in a less physically demanding capacity and met with the office to discuss those options. Earlier this week, we learned that Mr. Castillo's disability application has been granted, in a practical sense foreclosing the possibility of a return to Metro-North. Naturally, these developments also substantially change the potential settlement landscape. The parties continue to believe this is a case that should be resolved without the necessity of a trial. Toward that end, both parties need to reevaluate their settlement positions. Due to the change in circumstances and the anticipated settlement value, Metro-North's internal procedures require discussion at the executive level.

Therefore, while we continue to believe that we will be able to make ground on settlement at continued conference with Your Honor, we believe that a brief adjournment will be assistive in